

EXHIBIT 19

*PACIFIC ALLIANCE ASIA OPPORTUNITY FUND L.P. vs.
KWOK HO WAN*

*MILES KWOK
October 3, 2018*



126 East 56th Street, Fifth Floor New York, New York 10022

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Min-U-Script® with Word Index

1 SUPREME COURT OF THE STATE OF NEW YORK

2 COUNTY OF NEW YORK

3 -----X
PACIFIC ALLIANCE ASIA OPPORTUNITY FUND L.P.,

4 Plaintiff,

5 -against-

6 KWOK HO WAN, a/k/a KWOK HO, a/k/a GWO WEN
7 GUI, a/k/a GUO WENGUI, a/k/a GUO WEN-GUI,
a/k/a WAN GUE HAOYUN, a/k/a MILES KWOK,
8 a/k/a HAOYUN GUY,

9 Defendant.

10 Index No.: 652077/2017
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11
12 7 Times Square
13 New York, New York

14 October 3, 2018
9:39 a.m.

15
16 Videotaped Examination Before Trial
17 of the MILES KWOK, before Kristi Cruz, a Notary
18 Public of the State of New York.

19
20
21
22
23 ELLEN GRAUER COURT REPORTING CO. LLC
24 126 East 56th Street, Fifth Floor
New York, New York 10022
25 212-750-6434
REF: 247294

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2

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1 A P P E A R A N C E S: (Cont'd)

2

3 ALSO PRESENT:

4 ELIZABETH YAOYING JIANG, Mandarin Interpreter

5 DAN MACOM, Videographer

6 KARIN MAISTRELLO, Golden Spring

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1 KWOK

2 A. This Ms. Chiling (phonetic).

3 Q. Who else?

4 A. I need an interpreter.

5 Q. Fair enough. Who else was there?

6 A. Yvette Wang would sometimes come in,
7 sometimes go out.

8 Q. Who else was there?

9 A. Oh, our colleague our colleagues
10 come in and out and security guards come in
11 and out.

12 Q. Can you please tell me what you
13 discussed when Yvette Wang was in the room?

14 DI MR. HARMON: Objection.

15 Attorney/client privilege. I direct the
16 witness not to answer.

17 Q. Can you please tell me what was
18 discussed when your other colleagues were in
19 the room during that meeting?

20 A. This I can't tell you. It's all
21 about giving birth. I don't think you want to
22 hear about that. Six hours previous to that
23 my colleague just gave birth to a child.

24 Q. Can you tell me what you discussed
25 with Ms. Searles and Mr. Harmon regarding this

1 KWOK

2 case during your meeting when other colleagues
3 were in the room?

4 DI MR. HARMON: I direct the witness
5 not to answer.

6 A. I do not want to answer such a
7 question.

8 Q. Can you tell me what you discussed
9 with Ms. Searles and Mr. Harmon regarding this
10 case during your meeting when security guards
11 were present in the room?

12 DI MR. HARMON: I direct -- I'm
13 directing the witness not to answer.

14 Q. Mr. Kwok, do you communicate using
15 e-mail?

16 A. No, no.

17 Q. How do you communicate other than
18 speaking? I'm going to withdraw. That's too
19 broad. That's a bad question.

20 Do you communicate by text message?

21 A. Text message? What is that? I
22 don't understand. Text message includes so
23 many things. There's a thousand methods for
24 text message. Which kind are you speaking of?
25 I do not understand.

1 KWOK

2 Q. Do you communicate using any type of
3 text message?

4 A. Text message to communicate? Yes.

5 Q. Do you communicate using the
6 WhatsApp application?

7 A. I do.

8 Q. What other types of text message do
9 you use?

10 A. So many. In China there's over
11 thousands. If you have to ask me to think of
12 them, I have to sit here for several hours.

13 Q. So you use several types of text
14 messaging?

15 A. I don't understand when you say
16 several methods of text messaging. I don't
17 understand what that means.

18 Q. Well, you just told me that there
19 were thousands of types of text messaging, and
20 I'm asking you, generally speaking, whether or
21 not you use many different types of text
22 messages.

23 A. I use three, four kinds.

24 Q. Were your text messages searched in
25 connection with this litigation?

1 KWOK

2 A. I did not use any one for this. I
3 did not use any one or anything for this. I
4 don't understand what you mean by that. I
5 never discuss this litigation. I think this
6 is just a crazy case. I think this is just
7 scamming. I think you guys are a bunch of
8 thugs. I think you are just mafia. You're
9 working for the communists. You're doing
10 threats and racketeering. The whole world
11 knows what you're doing. You're helping the
12 mafia. You're destroying a good person. I
13 don't need to pay any attention to you at all.

14 Q. Let me try it again.

15 Did you provide -- strike that.

16 Do you know whether your lawyers
17 searched any of your text messages to respond
18 or to try to respond to my client's document
19 requests in this case?

20 A. I don't understand. I don't
21 understand all the things you're saying. The
22 question you're asking is completely
23 incomprehensible to me. I think you're
24 speaking to me separated by the galaxy. You
25 have created a completely nonexistent case and

1 KWOK

2 then you're ask me questions. I'm completely
3 unable to answer you.

4 Q. You cannot answer whether or not
5 your text messages were searched in connection
6 with this case?

7 A. I really do not understand what your
8 meaning is.

9 Q. You understand that it's possible to
10 run a search in a person's text messages?

11 A. Of course I know that. I know that
12 text can be searched. But as for other
13 searching it or not, is this related?

14 Q. My question is whether or not your
15 text messages were searched to try to find
16 documents that we asked for in this case.

17 A. I really don't understand. My text,
18 because the communist party are trying to
19 assassinate me, my text has many intelligences
20 and security guards.

21 THE INTERPRETER: I missed the last
22 part of his speech. I'll just ask him to
23 repeat.

24 THE WITNESS: Sorry. It a security
25 reason. I don't want to die here should

1 KWOK

2 you poison.

3 THE INTERPRETER: I had to ask him
4 to repeat that. I said, "What happened to
5 your text? You were saying the communist
6 were trying to assassinate you?" He said:

7 A. Well, my text have to be prepare for
8 many copies for a lot of people to see it
9 every day.

10 Q. So you don't know whether or not
11 your text messages were searched for this
12 case?

13 A. You know, my text, so many search,
14 so many cases. But specifically, I really
15 don't understand what you're saying. I'm
16 really sorry.

17 Q. That's okay.

18 MR. MOSS: Let's take a break.

19 THE VIDEOGRAPHER: We're now off the
20 record. The time is 10:07 a.m.

21 (Recess was taken.)

22 THE VIDEOGRAPHER: We're now back on
23 the record. The time is 10:19 a.m.

24 BY MR. MOSS:

25 Q. Mr. Kwok, I need to explain a few

1 KWOK

2 things for the record. We are here
3 representing Pacific Alliance, nobody else.
4 Pacific Alliance has filed a lawsuit against
5 you, and under the law we are entitled to ask
6 questions and to get answers from you to those
7 questions unless you're instructed not to
8 answer those questions. We have not gotten
9 answers to several questions so far and we are
10 going to ask all of our questions, and at the
11 rate we're going, it's going to take a very
12 long time. And I've tried very hard, I've
13 prepared, to focus my questions so as not to
14 waste your time and not to waste anybody's
15 time. And if you will answer my questions,
16 this whole thing will be over faster for all
17 of us.

18 MR. HARMON: I'm sure he's doing his
19 best to answer the questions as he
20 understands them.

21 A. A lot of your questions won't be so
22 ridiculous. My attorney has told me to
23 truthfully answer all of your questions.

24 Q. You have no reason to be, do you,
25 that these two attorneys sitting here,

1 KWOK

2 Mr. Harmon and Ms. Searles, searched your text
3 messages in connection with this litigation
4 against PAX, Pacific Alliance?

5 MR. HARMON: Object to the form of
6 the question.

7 THE INTERPRETER: This is
8 interpreter. You want me to interpret the
9 question to him and the objection, as
10 well?

11 MR. MOSS: Sure.

12 MR. HARMON: And tell him to answer
13 if he understands the question, please.

14 A. I do not know.

15 Q. You have no information to suggest
16 or no recollection that they did, in fact,
17 search your text messages?

18 MR. HARMON: Object to the form of
19 the question.

20 A. I do not know.

21 Q. Did you provide your text messages
22 to Mr. Harmon or Ms. Searles to be searched?

23 A. I do not know.

24 Q. You don't know whether or not you
25 gave your phone to Mr. Harmon or Ms. Searles

1 KWOK

2 to search your text messages?

3 MR. HARMON: Object to the form of
4 the question.

5 A. I do not know.

6 Q. Do you know whether or not you gave
7 a laptop or another computer to Mr. Harmon or
8 Ms. Searles to search your text messages or
9 documents?

10 A. I do not know.

11 Q. Did you provide any paper documents
12 to Mr. Harmon Ms. Searles to respond to
13 Pacific Alliance's request?

14 A. No.

15 Q. Did anyone ever ask you to search
16 your documents to respond to Pacific
17 Alliance's requests?

18 A. No.

19 Q. Did anyone ever ask you to search
20 your text messages to respond to Pacific
21 Alliance's requests?

22 A. No.

23 Q. Did you ever discuss with anybody
24 searching for documents or text messages to
25 respond to Pacific Alliance's requests?

1 KWOK

2 A. No.

3 Q. Thank you.

4 A. Do you think my responses are fast
5 enough?

6 Q. Mr. Kwok, I get to ask the questions
7 today. But I will answer that one. These
8 responses are fine. Thank you.

9 Do you own a residence at the
10 Sherry-Netherland Hotel?

11 A. No.

12 Q. Do you live in a residence at the
13 Sherry-Netherland Hotel?

14 A. Sometimes.

15 Q. Who owns that residence?

16 A. Mr. Zhang Wei.

17 THE INTERPRETER: Z-H-A-N-G, W-E-I,
18 phonetic spelling.

19 Q. Who is Zhang Wei?

20 A. Is a working partner, a fund, a
21 conglomerate fund, a member of that.

22 Q. Is Zhang Wei a person or an entity?

23 A. It's a person.

24 Q. Where does Zhang Wei live?

25 A. In prison.

1 KWOK

2 Q. When did Zhang Wei purchase the
3 residence?

4 A. This residence, it was in 2015.

5 Q. Do you have any ownership interest
6 personally at all in the residence?

7 A. No.

8 Q. Have you heard of a company
9 called -- we talked about this earlier --
10 Genever Holdings Corporation?

11 A. I heard of it.

12 Q. Does Genever Holdings Corporation
13 own the residence at the Sherry-Netherland
14 Hotel?

15 A. Yes.

16 Q. What is Zhang Wei's relationship to
17 Genever Holdings Corporation?

18 A. Zhang Wei was entrusted by Genever.

19 THE INTERPRETER: I'll instruct him
20 to say it in parts.

21 I just said because of accuracy, I
22 like to interpret 100 percent, and if he
23 gives me too much information, I will be
24 leaving out information. So I just asked
25 him to give me in segments.

1 KWOK

2 A. Mr. Zhang Wei was the initial person
3 who put out the funds. I and this whole
4 Genever Corporation was the entrusted party,
5 and also to represent his investment,
6 investors.

7 THE INTERPRETER: He said is this
8 okay, I said yes.

9 Q. Were you the one who applied to the
10 Sherry-Netherland to live in the apartment?

11 MR. HARMON: Object to the form of
12 the question.

13 A. One of them.

14 Q. Who else applied to live in that
15 apartment at the Sherry-Netherland?

16 A. I do not know.

17 Q. You don't know who else applied to
18 live in the same apartment at the
19 Sherry-Netherland --

20 MR. HARMON: Object to the form of
21 the question.

22 MR. MOSS: How about if I finish the
23 question and then you can object.

24 MR. HARMON: I thought you did.

25 MR. MOSS: Okay.

1 KWOK

2 relating to Genever Holdings LLC and Genever
3 Holdings Corporation that were produced from
4 the files of the Sherry-Netherland Hotel.

5 MR. HARMON: Did you mark the
6 document?

7 MR. MOSS: Yeah. It's Exhibit 1.

8 MR. SARNOFF: Kwok 1.

9 MR. HARMON: Kwok 1? Thank you.

10 Q. Mr. Kwok, I'd like to direct your
11 attention, there are members at the bottom, we
12 call them Bates numbers. I'd like to direct
13 your attention to SN 0159, please. Do you see
14 this is the Certificate of Incorporation for
15 Genever Holdings Corporation?

16 A. I do not understand it.

17 Q. You cannot read the document?

18 A. Absolutely not.

19 Q. Are you aware that Genever Holdings
20 Corporation was formed on or around
21 February 13, 2015?

22 A. I don't understand what you mean. I
23 don't really remember this. I've never seen
24 this document before.

25 Q. You don't understand what I mean

1 KWOK

2 when I ask whether or not you're aware that
3 Genever Holdings Corporation was formed on or
4 around February 13, 2015?

5 MR. HARMON: Object to the form of
6 the question.

7 A. I don't really -- I don't really
8 know about it. I don't really remember it.
9 This is all arranged by attorneys.

10 Q. Let's look at SN 0161. Can you read
11 anything on this document?

12 A. I'm unable to. I can only look at
13 the Arabic numerals, the one, the zeros. The
14 others I do not know.

15 Q. Maybe this will make things easier,
16 Mr. Kwok. Can you read any English at all?

17 A. No, I absolutely cannot.

18 Q. So if I put any document in front of
19 you today, you would not be able to read it?

20 A. Yes. I am currently learning
21 English.

22 Q. Okay. Well, there will be many
23 fewer documents today than I thought there
24 might be.

25 A. Oh, really. I'm sorry about that.

1 KWOK

2 Q. That's quite all right.

3 A. I've never seen this thing.

4 Q. Are you the sole shareholder of
5 Genever Holdings Corporation?

6 A. You know, the way you're putting it,
7 I don't know. I'm just agent and they just
8 asked me to sign and I don't even know what
9 I'm signing. For you to say that I owe you 30
10 million, what F that is, I never sign
11 anything.

12 Q. Are you the sole director of Genever
13 Holdings Corporation?

14 THE INTERPRETER: This is the
15 interpreter. Director meaning?

16 MR. MOSS: Like a board member.

17 THE INTERPRETER: Board member.

18 Okay.

19 A. I really don't know.

20 Q. Do you control Genever Holdings
21 Corporation?

22 A. Of course I don't control it.

23 Q. Zhang Wei controls it?

24 A. Of course.

25 Q. Does Genever Holdings corporation

1 KWOK

2 have any assets?

3 A. I do not know.

4 Q. Have you heard of a company called
5 Genever Holdings LLC, a New York Limited
6 Liability Company?

7 A. I heard of it.

8 Q. Does Genever Holdings corporation
9 own Genever Holdings LLC?

10 A. Yes. Yes.

11 Q. Does Genever Holdings Corporation
12 have any assets other than Genever Holdings
13 LLC?

14 A. I do not know.

15 Q. Does Genever Holdings LLC own the
16 residence at the Sherry-Netherland Hotel?

17 A. This I don't really know, but I
18 think so. I can't give you specifics.

19 Q. So if Genever Holdings Corporation
20 owns Genever Holdings LLC and Genever Holdings
21 LLC owns the residence, then Genever Holdings
22 Corporation ultimately owns the residence.

23 MR. HARMON: Object to the form of
24 the question.

25 A. I do not know.

1 KWOK

2 Q. Do you know if Genever Holdings
3 corporation has any ownership interest in the
4 residence at the Sherry-Netherland Hotel?

5 MR. HARMON: Object to the form of
6 the question.

7 A. I do not know.

8 Q. Did Genever Holdings Corporation
9 have any employees?

10 A. I do not know.

11 Q. Does Genever Holdings Corporation
12 have offices?

13 A. I do not know.

14 Q. Does Genever Holdings Corporation
15 have a phone number?

16 A. I do not know.

17 Q. Does Genever Holdings Corporation
18 have a board of directors?

19 A. I do not know.

20 Q. Had has there ever been a board
21 meeting of Genever Holdings Corporation?

22 A. I do not know.

23 Q. Does Genever Holdings Corporation
24 have any relationship to Shiny Times?

25 A. I think representative relationship.

1 KWOK

2 applicant?

3 A. I do not have any ideas about me
4 believing or not. I don't have these ideas.

5 Q. To your knowledge, did anyone at
6 Paul Weiss or Williams & Connolly or anyone
7 acting on your behalf or Zhang Wei's behalf
8 tell the Sherry-Netherland that Zhang Wei was
9 involved in this purchase?

10 MR. HARMON: Asked and answered. At
11 this time a third time that you've asked
12 that question. I'll let him answer it
13 again.

14 THE INTERPRETER: To your knowledge,
15 Paul Weiss, William Connolly, represent to
16 Sherry-Netherland that Zhang Wei was an
17 applicant? Is that the question?

18 Q. To your knowledge, did anyone at
19 Paul Weiss or Williams and Connolly or anyone
20 acting on your behalf or Zhang Wei's behalf
21 tell the Sherry-Netherland that Zhang Wei was
22 involved in this purchase?

23 MR. HARMON: And please make sure
24 you translate my objection to the witness,
25 as well.

1 KWOK

2 A. I complete don't -- I don't
3 remember.

4 Q. Did you authorize Paul Weiss and
5 Williams & Connolly to communicate with the
6 Sherry-Netherland on your behalf?

7 A. I don't remember.

8 Q. Do you have any reason to doubt that
9 you authorized Paul Weiss and Williams and
10 Connolly to communicate with the
11 Sherry-Netherland on your behalf?

12 A. I don't quite understand what you
13 mean.

14 Q. Why don't you take a look, please,
15 at SN 0060. And I will represent, Mr. Kwok,
16 that this is a document that says Consolidated
17 Balance Sheet for December 31, 2014, of
18 Beijing Zenith Holdings Company and that this
19 was provided by Paul Weiss to the
20 Sherry-Netherland.

21 A. I do not know.

22 Q. You don't remember that Beijing
23 Zenith Holdings financials was presented to
24 the Sherry-Netherland board in connection with
25 your application?

1 KWOK

2 A. I don't remember.

3 Q. It's a long time ago. Do you -- as
4 of 2015, did you have any ownership interest
5 in Beijing Zenith Holdings Company Ltd.?

6 A. No.

7 Q. Did Zhang Wei have an ownership
8 interest in Beijing Zenith Holdings Company
9 Ltd.?

10 A. I do not know.

11 Q. Do you know why Beijing Zenith
12 Holding Company's financials were submitted to
13 the Sherry-Netherland in connection with your
14 application to purchase?

15 A. I do not know.

16 Q. Who owned Beijing Zenith Holdings
17 Company Ltd. as of February 2015?

18 A. Zhang Wei, the family member or
19 members of Zhang Wei was in dominating control
20 of it. His wife's older sister controlled
21 about 90 percent. I'm not sure, but that's
22 approximate.

23 Q. So Zhang Wei's family members owned
24 Beijing Zenith Holdings?

25 A. Yes.

1 KWOK

2 Q. And you personally had no ownership
3 interest at all?

4 A. Yes.

5 Q. And you no control at all over
6 Beijing Zenith at this time?

7 A. Right.

8 Q. Do you know why Paul Weiss
9 represented in the cover letter that Mr. Kwok
10 is the owner and controlling party of China
11 Zenith Holdings Company in that letter?

12 A. I don't know why he would write it
13 like that.

14 Q. You never told Paul Weiss that?

15 DI MR. HARMON: Object to the form of
16 the question. Hold on a second. I'm
17 going to object on attorney/client
18 privilege.

19 A. Refuse to answer.

20 Q. That's fine. Let me try it this
21 way, as a yes/no question: Do you have any
22 idea how Paul Weiss got the understanding that
23 you, Mr. Kwok, were the owner and controlling
24 party of China Zenith Holdings?

25 MR. HARMON: Just yes or no.

1 KWOK

2 A. I don't know.

3 You know, I'm sorry, my leg and my
4 shoulder, because previously in prison I was
5 beaten, I'm in great pain. It was in '89.

6 Q. Do you want to take a break?

7 A. No, I'm just letting you know when
8 I'm in pain, I have to move, so please
9 don't -- you know, I like to just sit there
10 and not move, but then, because the pain, I
11 have to constantly move. Usually when I'm in
12 the office I'm always standing, I'm not
13 sitting.

14 Q. As I said earlier, if at any time
15 you need a break for as long as you need, just
16 please tell me and I'm happy to --

17 A. Thank you, sir. But you know what?
18 Right now I'd really like to sleep. I haven't
19 been sleeping for two days.

20 Q. Me too.

21 A. You are very successfully abusing me
22 on behalf of CCP.

23 Q. Mr. Kwok, did you know, at the time
24 this Beijing Zenith Holdings balance sheet was
25 submitted to the Sherry-Netherland that

1 KWOK

2 Beijing Zenith Holdings' assets had been
3 frozen by the Chinese government?

4 MR. HARMON: Object to the form of
5 the question.

6 A. I refuse to answer.

7 MR. HARMON: You can answer this one
8 if you understand the question.

9 A. In that case, I know. Yes.

10 Q. Mr. Kwok, I'm now -- I know you
11 can't follow along with me, but I'm now
12 turning to page SN 0063, which had is the
13 Williams Connolly document, and Williams
14 Connolly writes to the board of the
15 Sherry-Netherland that "Mr. Kwok is eager to
16 become a resident at the Sherry, but also
17 feels keenly the need for confidentiality
18 regarding his business and financial affairs."

19 Do you recall that Williams &
20 Connolly made that representation to the
21 Sherry-Netherland on your behalf?

22 A. I do not know with this letter.

23 Q. Did you communicate to anyone that
24 there was a strong need to maintain
25 confidentiality around your financials and

1 KWOK

2 business affairs?

3 A. No.

4 Q. And are aware that the Williams &
5 Connolly letter on page SN 0062 also
6 represented that you, Mr. Kwok, were the one
7 who was applying to become a shareholder
8 tenant?

9 A. I don't remember.

10 Q. What is Bravo Luck?

11 A. I think Bravo Luck -- I think Bravo
12 Luck is a company that is -- has some relation
13 to Mr. Zhang Wei, but I'm not really sure.
14 When you say English, I become confused.

15 Q. Do you have any relation to Bravo
16 Luck?

17 A. I really don't know.

18 THE VIDEOGRAPHER: We're now off the
19 record. The time is 12:25 p.m.

20 (Luncheon recess taken at 12:25
21 p.m.)
22

23 THE VIDEOGRAPHER: This marks the
24 beginning of Tape Number 3 in the
25 deposition of Mr. Miles Kwok. We're now

1 KWOK

2 back on the record. The time is

3 12:57 p.m.

4 (Kwok Exhibit 5, UBS Hong Kong
5 statement for Bravo Luck Limited entitled
6 Debit Advice, marked for identification,
7 as of this date.)

8 BY MR. MOSS:

9 Q. Good afternoon, Mr. Kwok.

10 A. Good afternoon everybody.

11 Q. Thank you. I have handed you -- the
12 court reporter has handed you Exhibit 5, which
13 is a statement entitled Debit Advice from UBS
14 in Hong Kong for Bravo Luck Limited, and it's
15 Bates stamped Kwok 510, and it was produced by
16 your counsel to us in this case, Mr. Kwok.

17 Bravo Luck Limited is a company
18 owned by Zhang Wei?

19 A. Yes.

20 Q. You have no ownership interest in
21 Bravo Luck Limited?

22 A. I do not remember having any.

23 Q. You don't remember having any
24 interest in Bravo Luck Limited at any time,
25 right?

1 KWOK

2 A. I do not remember.

3 Q. Sitting here today, you believe you
4 never had an interest in Bravo Luck Limited?

5 A. I really truly don't remember
6 because I can't read this document and I don't
7 remember this Bravo Luck Limited. I'm sorry,
8 I don't know.

9 Q. This document says that it's in
10 favor of Ivey Barnum & O'Mara LLC. Do you
11 know who that is?

12 A. What is that? Where is that?

13 Q. Well, it's in the middle of the
14 document.

15 A. What is that called? I don't know.

16 Q. I'll tell you, Mr. Kwok, based on my
17 rudimentary Google searches it's a law firm in
18 Connecticut. Does that refresh your
19 recollection?

20 A. I really don't know. Where is
21 Connecticut? Is it in Hong Kong?

22 Q. It's very close to here. It's close
23 to New York.

24 A. Oh. I don't know.

25 Q. Is Bravo Luck Limited the entity

1 KWOK

2 from where the funds came to purchase the
3 Sherry-Netherland apartment?

4 A. It should be so.

5 Q. And the purchase price in March of
6 2015 was \$67.5 million?

7 THE INTERPRETER: I'm sorry. I did
8 66.2 million. The interpreter -- I made a
9 mistake. The interpreter, I made a
10 mistake in my interpretation. I believe I
11 said 6 billion and he made correction, oh,
12 67 million.

13 A. Oh, I don't remember that.

14 Q. Do you remember approximately how
15 much the apartment was purchased for?

16 A. I don't really remember. I just
17 remember that Mr. Zhang Wei had at that time a
18 \$100 million budget. But as for how much that
19 was at that time, I don't remember.

20 Q. Do you know who sold the
21 Sherry-Netherland apartment?

22 A. Cathy, Cathy Sloan.

23 Q. Who spoke with Mr. Sloan to
24 negotiate the purchase price? Was it -- oh,
25 oh, scholarship. Cathy Sloan. Cathy Sloan

1 KWOK

2 was your real estate broker?

3 A. Yes. Yes.

4 Q. And was the apartment purchased from
5 Gilbert Haroche?

6 A. I don't know who that person is.

7 Q. Do you know who the owner of the
8 apartment was before Zhang Wei and you
9 purchased it?

10 MR. HARMON: Object to the form of
11 the question.

12 A. I really can't remember. I do not
13 know.

14 Q. Did you negotiate the price, you
15 personally negotiate the price with the
16 seller?

17 A. No.

18 Q. Did Zhang Wei negotiate with the
19 seller?

20 A. I do not know.

21 Q. Do you know who did negotiate on
22 behalf of the purchaser with the seller?

23 A. I was one among many. There was
24 Zhang Wei's attorney and the employee or
25 employees of his office. Many people. I was

1 KWOK

2 Q. And that was in connection with our
3 lawsuit and our motion for the attachment on
4 the residence, right?

5 A. Yes.

6 Q. When you spoke to Yvette about the
7 pledge, did she communicate to you, in
8 substance, that the apartment had been
9 pledged?

10 A. This? No.

11 Q. Do you have any idea why the pledge
12 came up for the first time in response to our
13 motion to attachment apartment, then?

14 A. I don't understand what you mean.

15 Q. Do you understand that there were
16 papers filed on your behalf that argue that
17 Pacific Alliance couldn't get a lien or an
18 attachment on the apartment because the
19 apartment had been pledged?

20 A. Wang Yan Ping --

21 THE INTERPRETER: W-A-N-G, Y-A-N,
22 P-I-N-G.

23 A. -- had told me about it.

24 Q. And that's Yvette?

25 A. Yes.

1 KWOK

2 Q. She told you that your side filed
3 papers arguing that the apartment had been
4 pledged already?

5 A. Yes.

6 Q. And as far as you know, those papers
7 were accurate?

8 A. Yes.

9 Q. And Yvette believed that the
10 apartment had, in fact, been pledged?

11 MR. HARMON: Object to the form of
12 the question.

13 A. You can ask Wang Yan Ping those
14 questions. I cannot answer on behalf of her.

15 Q. That's completely fair. Let me try
16 to rephrase it.

17 Did Yvette communicate to you that
18 the apartment had been pledged?

19 A. Yes.

20 MR. MOSS: I'm happy to take a quick
21 break now, if that's okay with everyone.

22 MR. HARMON: That's fine.

23 THE VIDEOGRAPHER: We're now off the
24 record. The time is 2:02 p.m.

25 (Recess was taken.)

1 KWOK

2 THE VIDEOGRAPHER: This marks the
3 beginning of Tape Number 4 in the
4 deposition of Mr. Miles Kwok. We're now
5 back on the record. The time is 2:28 p.m.

6 I just want to note for the record
7 that the witness is standing for his
8 comfort.

9 BY MR. MOSS:

10 Q. Mr. Kwok, how old is Zhang Wei?

11 A. I think around 38 years old.

12 Q. What did he do for a living before
13 he was imprisoned?

14 A. Invested in real estate securities.

15 Q. What types of securities?

16 A. He just did a lot of these -- he did
17 a lot of these securities related things,
18 selling and purchasing.

19 Q. What city did he live in?

20 A. Henan Zhengzhou.

21 THE INTERPRETER: H-E-N-A-N,
22 Z-H-E-N-G-Z-H-O-U.

23 Q. And when did he go to prison?

24 A. It should be around after May of
25 2015. Around May, June, approximately. I

1 KWOK

2 can't remember too precisely.

3 Q. Was there any press, publicity
4 around him going to prison?

5 A. A lot of Chinese press reporting.
6 So many of them.

7 Q. Including him?

8 MR. HARMON: I'm sorry?

9 THE INTERPRETER: I'm sorry?

10 Q. Including press about him going to
11 prison?

12 THE INTERPRETER: Including about
13 Zhang Wei going to prison?

14 MR. MOSS: Yes.

15 A. Yes. So in the information we
16 provided to you of the Hong Kong police,
17 Chinese police about their sealing off and
18 also arrest, in that list includes the name of
19 Zhang Wei.

20 Q. Where was that information provided?

21 A. This was shown to me about Wang Yan
22 Ping. Yvette showed it to me.

23 Q. Do you know whether or not that was
24 something that was filed in the lawsuit with
25 the court?

1 KWOK

2 A. No, this is about police, about the
3 police going after arrest, and because it's in
4 English and partly in Chinese, and I saw the
5 part with Zhang Wei's name.

6 Q. Was it an article, article in
7 English?

8 A. No, it is not article, it's a
9 document provided by the police to the Hong
10 Kong company.

11 Q. What Hong Kong company?

12 A. Oh, so many companies. I don't
13 remember. It definitely includes Hong Kong
14 Zenith -- Hong Kong Golden Spring.

15 Q. Are you aware of a company called
16 Henan Yuda Real Estate?

17 A. Can I not answer this question? I
18 refuse to answer this question because I think
19 this is unrelated to the topic at hand today.

20 Q. Does Mr. Zhang Wei have an interest
21 in Henan Yuda Real Estate Company?

22 MR. HARMON: I think I'm going to
23 need you to explain to me, if you want him
24 to answer the question, the relationship
25 of that entity to the attachment

1 KWOK

2 proceeding, because otherwise we'll take
3 the position that it's beyond the scope of
4 the attachment discovery and direct the
5 witness not to answer. But I'm open to
6 having you explain to me its connection.

7 MR. MOSS: Sure. So Mr. Kwok, I
8 believe, testified that Zhang Wei lived in
9 the Henan Province.

10 Is that correct?

11 THE WITNESS: Yes.

12 MR. MOSS: And for first time we're
13 hearing about somebody named Zhang Wei who
14 apparently owns the apartment, and there's
15 press about a Kwok-controlled Henan Yuda
16 Real Estate Company, and I'm trying to
17 understand the relationship between
18 Mr. Kwok and Zhang Wei.

19 DI MR. HARMON: I'll direct the witness
20 not to answer. I'll stand on the
21 objection.

22 A. I refuse to answer.

23 Q. Okay. Do you and Mr. Zhang Wei both
24 have interests in the Henan Yuda Real Estate
25 Company?

1 KWOK

2 DI MR. HARMON: I direct the witness
3 not to answer.

4 THE INTERPRETER: The interpreter
5 did not interpret, and Mr. Kwok says:

6 A. I refuse to answer.

7 Q. Was that company, Henan Yuda Real
8 Estate Company, accused of loan fraud?

9 DI MR. HARMON: I direct the witness
10 not to answer.

11 A. Refuse to answer.

12 Q. Okay. Are you aware that in two
13 rounds of attachment briefing relating to the
14 apartment, that in the lawsuit that you filed
15 against the Sherry-Netherland Hotel, that
16 there's never been a reference to Zhang Wei in
17 any document that's been filed on your behalf
18 in any litigation relating to the apartment?
19 Are you aware of that?

20 A. I don't really know.

21 Q. Can you point to any document that
22 evidences Zhang Wei's ownership of the
23 apartment?

24 A. The fund came from Zhang Wei's
25 company. This is the simplest evidence. And

1 KWOK

2 Zhang Wei is the person who borrow from that R
3 something.

4 Q. Is there any other evidence besides
5 the document showing where the funds came
6 from, any other document that you can identify
7 that shows Zhang Wei's ownership of either the
8 apartment or of either of the Genever
9 entities?

10 THE INTERPRETER: This is the
11 interpreter asking for clarification.

12 A. I, with him, have this agreement to
13 represent him and also have the one for
14 financial arrangement and investment planning.

15 Q. You have a written agreement with
16 him?

17 A. Yes.

18 Q. Do you have a copy of that agreement
19 in your possession? Let me just clarify --

20 A. I have original and he has original.

21 Q. Did you provide that document to
22 your attorneys in connection with responding
23 to our document request in this case?

24 A. I believe not.

25 Q. Did you provide it to the

1 KWOK

2 Sherry-Netherland in connection with applying
3 for the apartment?

4 A. I do not know.

5 Q. You said you have an agreement for
6 investment planning. Is that a separate
7 written agreement with Zhang Wei?

8 A. No, it's the same. No, that was 100
9 million investment all together.

10 Q. So you have one written document
11 showing your relationship with Zhang Wei?

12 A. Yes.

13 Q. Does that agreement actually mention
14 the Sherry-Netherland apartment?

15 A. Yes.

16 Q. Why did Zhang Wei, if you know, why
17 was he imprisoned?

18 A. He was falsely accused by the
19 communist. It was wrongfully -- it was
20 wrongful.

21 Q. Did it have to do with you?

22 A. Of course it did.

23 Q. So he's a political prisoner in
24 China?

25 A. Of course.

1 KWOK

2 Q. Is it your testimony that as a
3 political prisoner in China, that he has
4 access to speak to his lawyers?

5 A. No, impossible. In China, no
6 political prisoner can be able to speak to
7 anyone. Well, strictly speaking, he was
8 kidnapped. He was kidnapped by the
9 communists.

10 Q. Have you ever heard of somebody
11 called Guo Qiang, G-U-O, Q-I-A-N-G?

12 A. As I said to you before, that's my
13 son.

14 Q. That's Mileson Kwok?

15 A. Yes. I only have one son.

16 Q. Sorry. Thank you for clarifying.
17 Have you ever heard of a company
18 called Blue Capital?

19 A. I don't remember that.

20 Q. You remember we discussed earlier
21 your conversation with Yvette about the
22 pledges, or the pledge of the apartment to
23 Roscalitar 2, or R2? Remember I asked you
24 questions about that earlier?

25 A. Yes.

1 KWOK

2 Q. Are you aware that the pledge to
3 Roscalitar was terminated in 2017?

4 A. I don't know.

5 Q. Who would know that? Would that be
6 Yvette?

7 A. It would be Zhang Wei's attorneys
8 and then that something, the R company, I
9 think they'd know.

10 Q. So you didn't know that when it was
11 represented to this Court that the apartment
12 was pledged to Roscalitar 2, that at the time
13 of that representation the pledge had actually
14 been terminated?

15 MR. HARMON: Object to the form of
16 the question.

17 A. I did not know.

18 Q. Remember earlier I asked you about
19 the seizing of the Zenith assets and whether
20 or not you knew that the assets were seized?

21 A. I refuse to answer.

22 Q. Well, you answered earlier that
23 the -- that you knew that the Zenith assets
24 were seized. Do you remember that testimony?

25 A. I refuse to answer it now.

1 KWOK

2 Q. Did you also know that the Beijing
3 Pangu assets were seized?

4 A. I refuse to answer.

5 Q. Do you recall that you personally
6 signed an agreement agreeing to the
7 Sherry-Netherland proprietary lease?

8 A. I think I remember signing it. But
9 as for the content of that, I don't really
10 know, but I think I did sign that. But what,
11 in fact, that document was, I do not know.

12 Q. So you signed something, but you
13 hadn't reviewed it?

14 A. I do not have the ability to review
15 it.

16 Q. Did you ever gain an understanding
17 of what you were agreeing to when you signed
18 the agreement with the Sherry-Netherland
19 adopting the proprietary lease?

20 A. Even to this day I do not
21 understand.

22 Q. Your lawyers didn't review the
23 document with you before you signed it?

24 MR. HARMON: I think that would be
25 an attorney/client privileged

1 KWOK

2 communication. I take it back, I take it
3 back --

4 MR. MOSS: I think the fact of
5 reviewing --

6 MR. HARMON: The fact --

7 MR. MOSS: -- as a yes/no question
8 is fine.

9 MR. HARMON: You could answer the
10 question.

11 THE INTERPRETER: I'm sorry.

12 MR. HARMON: You can answer the
13 question.

14 A. I refuse to answer. I don't know.

15 Q. You don't know or you refuse to
16 answer?

17 A. I -- I don't know.

18 Q. You don't remember reviewing the
19 document with your lawyers?

20 A. I don't remember.

21 Q. Mr. Kwok, you're aware that our
22 client is seeking an attachment of the
23 Sherry-Netherland apartment?

24 A. I think this is just robbery. I
25 don't think this is attachment. I think this

1 KWOK

2 is just robbers. I never signed the 30
3 million agreement, the money was never given
4 to us, and the Sherry-Netherland is not ours
5 either and they're just robbers.

6 Q. I just want to ask a simple
7 question. I know that you dispute everything
8 in the lawsuit. I understand that. My
9 question is just are you aware that our client
10 has filed papers seeking what we say at least
11 is a request to attach the apartment?

12 A. I know now.

13 Q. And my question is: Is it your
14 position that our client cannot attach the
15 apartment because you don't own it, but rather
16 Zhang Wei does?

17 MR. HARMON: Object to the form of
18 the question.

19 A. Yes.

20 Q. And I know you've testified a lot
21 about how you think that this is an
22 illegitimate lawsuit. My question is: If the
23 court finds for our client and orders you to
24 pay a judgment in this lawsuit, money to us,
25 will you pay it?

1 KWOK

2 DI MR. HARMON: Don't answer the
3 question. It's beyond the scope of the
4 attachment proceeding, discovery.

5 A. Refuse to answer.

6 MR. MOSS: And of course,
7 Mr. Harmon, you added discovery after a
8 second there to your instruction because
9 it obviously goes to the very heart of the
10 attachment motion.

11 MR. HARMON: I completed my
12 sentence. Thank you.

13 Q. Mr. Kwok, you testified earlier that
14 you signed the agreement adopting the
15 proprietary lease without knowing what was in
16 that document. Do you recall that testimony?

17 MR. HARMON: Object to the form of
18 the question.

19 A. Yes, I did say that.

20 Q. Is it your practice to sign
21 agreements or documents that are in English
22 without knowing what's in them?

23 A. Yes.

24 MR. MOSS: Why don't we go off the
25 record.

1 KWOK

2 THE VIDEOGRAPHER: We're now off the
3 record. The time is 2:55 p.m.

4 (Recess was taken.)

5 THE VIDEOGRAPHER: We're now back on
6 the record. The time is 3:13 p.m.

7 MS. MAISTRELLO: He just said if you
8 could take a photo of me later.

9 THE WITNESS: I want to remember you
10 abuse me here.

11 MR. MOSS: Well, Mr. Kwok, it's all
12 going to end soon. Just a few more
13 questions.

14 THE WITNESS: Thank you.

15 BY MR. MOSS:

16 Q. You remember, we've talked about
17 this lawsuit today, and you understand that my
18 client is suing because they claim that they
19 made a loan to one of your companies and that
20 that loan was never repaid. You understand
21 that at least that's what we're claiming?

22 A. I understand with absolute lies.
23 This is defamation, this is --

24 THE INTERPRETER: I'm blanking on
25 the word. To get you money from --

1 KWOK

2 MR. SARNOFF: Extortion?

3 THE INTERPRETER: Yes, thank you.

4 A. Extortion. I'd like for you to
5 provide me with the truth for the \$30 million
6 loan for the payment, for the loan, to give me
7 truth on that.

8 Q. So that's what I want to try to
9 understand. Is it your testimony that my
10 client never actually made the loan?

11 DI MR. HARMON: Objection. Direct the
12 witness not to answer.

13 A. I refuse --

14 MR. HARMON: Beyond the scope of
15 attachment discovery at this time.

16 MR. MOSS: It's in the scope of his
17 testimony. I'm trying to clarify what
18 he's already said.

19 DI MR. HARMON: I understand that. You
20 asked him a question. He could have
21 answered yes or no. He gave you an
22 answer. So I know you want to follow up
23 on that answer, but the follow-up is
24 beyond the scope of attachment discovery.
25 I direct him not to answer.

C E R T I F I C A T E

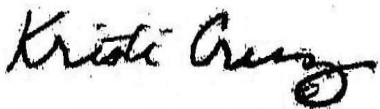
STATE OF NEW YORK)
) SS.:
COUNTY OF SUFFOLK)

I, KRISTI CRUZ, a Notary Public within AND
for the State of New York, do hereby certify:

That MILES KWOK, the witness whose
deposition is hereinbefore set forth, was duly
sworn by me and that such deposition is a true
record of the testimony given by such witness.

I further certify that I am not related to
any of the parties to this action by blood or
marriage; and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 8th day of October 2018.



KRISTI CRUZ